

# Notice of Allowability

Application No.

10/662,044

Examiner

Catherine M. Joyce

Applicant(s)

CHAKRABARTI ET AL.

Art Unit

1642

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed 30 June 2006.
2. ☒ The allowed claim(s) is/are 53,56,57,59-62,64-67,69-71,75-77 and 80-83.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

SUSAN UNGAR, PH.D  
PRIMARY EXAMINER

## EXAMINER'S AMENDMENT

### *Examiner's Amendment*

1. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the Issue Fee.

2. The Amendment filed June 30, 2006 in response to the Office Action of February 3, 2006 is acknowledged and has been entered. Previously pending claims 54-55, 58, 63, 68, 73-74 are canceled, claims 1-45 and 84 are withdrawn from prosecution, and claims 53, 56-57, 59-62, 64-67, 69-72, 75-83 are currently under prosecution.

3. The application has been amended as follows:

Claims 1-45, 72, 78-79, and 84 have been canceled.

Claims 57, 67, 69, 70, 82, and 83 have been amended as indicated below:

57. The method of claim 54 56, wherein said hyperproliferating cell comprises a metastatic or non-metastatic cancer cell.

67. A method of treating a subject having a lung cancer tumor or colon cancer tumor expressing AgRM4, comprising administering to said subject an amount of an antibody that selectively binds to AgRM4 at an epitope of AgRM4 to which an antibody that is designated RM4 (ATCC deposit No. PTA-5412) binds and ~~that selectively binds to an antigen designated AgRM4 binds~~, wherein said amount is effective to treat said subject.

69. The method of claim 67, wherein said antibody competes for the binding to AgRM4 with of the antibody that is designated AgRM4 ~~to AgRM4~~.

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70. The method of claim 67, wherein said antibody ~~an antibody that~~ is designated RM4 (ATCC deposit No. PTA-5412).

82. The method of claim 67, further comprising administering an additional anti-tumor antibody.

83. The method of claim 82, wherein said ~~second~~ additional antibody comprises RM2 (ATCC deposit No. PTA-5411) and wherein said tumor is lung cancer.

4. Authorization for this Examiner's Amendment was given in a telephone interview with Russell Boggs on August 31, 2006.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably **accompany** the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Catherine Joyce whose telephone number is (571) 272-3321. The examiner can normally be reached on Monday through Friday from 10:00 am to 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Siew, can be reached at 571-272-0787. The fax phone number for this Art Unit is (571) 273-8300.

Catherine M. Joyce  
Patent Examiner  
Art Unit 1642

SUSAN UNGAR, PH.D  
PRIMARY EXAMINER

